

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID CALLAHAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-03-0551-F
)	
DAYTON POPPELL, Warden, et al.,)	
)	
Defendants.)	

ORDER

Magistrate Robert E. Bacharach's Report and Recommendation (the Report) was entered in this action on March 23, 2005 (docket entry no. 156). The Report recommends denying plaintiff's requests (found at docket entry nos. 149-152) for entry of a default judgment against all but the three newly named defendants and for a hearing on financial damages. The Report finds that the defendants are not late in responding to the second amended complaint.

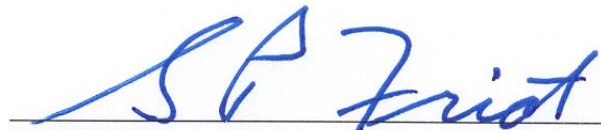
The Report advises plaintiff that he has the right to object to the Report and that the deadline for objecting is April 12, 2005. That deadline was later extended by the undersigned to May 13, 2005. The Report further advises that failure to timely object to the Report will waive plaintiff's right to appellate review of the suggested rulings. Plaintiff has not objected to the Report and has not requested additional time within which to object.

Upon review, the March 23, 2005 Report and Recommendation of Magistrate Judge Robert E. Bacharach is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. As recommended in that Report, plaintiff's requests for default judgment

against all but the three newly named defendants and his request for a hearing on financial damages are hereby **DENIED**.

The magistrate's Report does not end the referral. This action remains referred to Magistrate Judge Bacharach for further proceedings consistent with the original order of referral.

Dated this 17th day of May, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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